IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 7591 of 2006(A)

CRIME NO.455/06 OF PUTHENCRUZ POLICE STATION.

: PETITIONERS/ACCUSED

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1. ANIL KUMAR, S/O.GANGADHARAN,
   PULPRA HOUSE, THOTTUMUGHAM P.O.,
   ALUVA.

2. SHYLES, S/O.ACHUTHAN NAIR,
   PUTHUKKULANGARA HOUSE, PALLASANA,
   PALAKKADU.

3. TIJU VARGHESE, S/O.P.J.VARGHESE,
   PALLIKANDATHIL HOUSE, THATHAMPALLY,
   ALAPPUZHA.

4. ANASHU, S/O.HARIHARAN,
   PALLYPPATTU HOUSE, VENNALA.

BY ADV. SRI.SOORAJ T.ELENJICKAL

RESPONDENT: STATE

STATE OF KERALA, THROUGH SUB INSPECTOR
OF POLICE, PUTHENCRUZ, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 7591 OF 2006

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DATED THIS THE 9th DAY OF JANUARY, 2007

O R D E R

Petitioners who are accused 1 to 4 in Crime No.455/06 of Puthencruz Police Station for offences punishable under sections 143, 147, 148, 323, 324, 326, 427 and 452 read with section 149 IPC, seek anticipatory bail.

2. The occurrence took place at 1 AM on 2.12.2006 during which the de facto complainant was assaulted with wooden sticks, wooden stool, etc. from his residence. Consequently, his spleen has been removed and he had been in the hospital for more than 21 days.

3. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed. It is open to the petitioner to apprise the Magistrate the facts of the counter case as well while moving the bail application.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn